

FINAL MINUTES
California State Board of Education
May 9-10, 2001

Thursday, May 10, 2001

California Department of Education
721 Capitol Mall, Room 166
Sacramento, CA 95814

Members Present

Reed Hastings, President
Jacqueline C. Boris
Donald C. Fisher
Nancy Ichinaga
Marion Joseph
Suzanne A. Tacheny

Members Absent

Susan Hammer, Vice President
Robert J. Abernethy
Carlton J. Jenkins
Vicki Reynolds
Vacancy

Closed Session

The State Board met in Closed Session from 8:11 a.m. to 9:25 a.m.

Call to Order

President Hastings called the meeting to order at 9:37 a.m.

Salute to the Flag

President Hastings invited Mrs. Ichinaga to lead the members, staff, and audience in the Pledge of Allegiance.

Report on Closed Session

Ms. Belisle reported on the Closed Session. She reported that the following cases were discussed: *Williams, et al v. State of California*; *Comite, et al v. State Superintendent of Public Instruction, et al.*; *Boyd, et al. v. State Board of Education*; and *CDE v. San Francisco USD*. No action was taken.

Announcements/Communications

President Hastings reminded the Board and the audience of the following changes in the agenda:

- Item 11 will be heard after Item 18.
- Item 16 will be the first item heard before Item 18.
- Item 27 will be heard after Item 11.

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(Note: There were several additional changes to the order of the agenda. The items were heard in the following order: 16, 18, 11, 27, 19, 20, 21, 22, 29, 26, 23, 24, 25, and 28.)

ITEM 16	Update by the Commission on Teacher Credentialing Regarding Out-Of-State Teachers' Access to California Teaching Credentials.	INFORMATION
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Linda Bond, Director of Governmental Relations for the Commission on Teacher Credentialing (CTC), provided background information on their efforts to align teacher preparation programs with the state-adopted standards. She noted that after years of work a new system would be in place in a few months. The Commission is addressing the barriers to attracting teachers and the need for a variety of routes to enter the teaching profession. Before K-3 class size reduction, there was legislative action to help eliminate barriers. After K-3 class size reduction, the shortage of teachers took on a new urgency. The Commission looked at reciprocity with other states. They discovered that in the area of subject matter preparation about half of the states were comparable to California. The teacher preparation standards were quite similar across the state, except in reading. The Commission is now moving away from reciprocity to equivalence. She stated that if a teacher's subject matter training and teacher preparation were equivalent to California's, that teacher could obtain a California credential. The Commission is currently looking at alternative credential routes for private school teachers and people in private industry with subject matter expertise. The Commission is trying to maintain a balance between eliminating barriers and maintaining teacher quality; however, these efforts alone will not solve the teacher shortage problem.

Mr. Fisher asked where most of the shortages were. Ms. Bond replied that class size reduction resulted in a shortage of elementary and special education teachers. There is also a shortage of teachers for English learners, some subject areas, and in low performing schools. There is a particular shortage of math and science teachers; however, there are not enough math majors graduating from college to meet the need for math teachers. Differential pay is one option being explored.

Superintendent Eastin thanked Ms. Bond and the Commission for their work with multiple subject credentials and asked if other states have initiatives in place to recruit and train teachers. Ms. Bond responded that there is what could be termed a bidding war for teachers. States are offering incentives such as signing bonuses. California has two housing incentive programs for teachers. Early recruiting and intern programs in low performing schools are two effective approaches. A recent Rand study found that targeted incentives make a difference.

Ms. Bond noted that the Commission is working on an augmentation exam to assess teaching skills. President Hastings stated that measuring outputs, not inputs, is critical as is alignment to standards. Ms. Bond replied that the focus would definitely be on outputs. President Hastings thanked Ms. Bond for her report.

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ITEM 18	Legislative Item: Update and discussion on current year legislation.	INFORMATION ACTION
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Erika Hoffman, Government Affairs Office, provided a brief report on the status on bills of interest to the Board. She provided information on AB 1609 (Calderon). [Attachments 10 and 11]

President Hastings noted that there was information on SB 233 and SB 245 in the agenda materials. [Attachments 12 and 13] He asked for a motion in support of AB 1609, SB 233, and SB 245.

- ACTION: Ms. Tacheny moved that the State Board adopt a “support” position on three bills that are part of Governor Davis’ legislative package for education: Senate Bill 233 (Alpert), Senate Bill 245 (O’Connell), and Assembly Bill 1609 (Calderon). Mrs. Joseph seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Mockler recognized Superintendent Eastin and her staff for their efforts to move the assessment system along.

ITEM 11	Update to the Board on proposed criteria for locally adopted pre-post tests of achievement and plans to provide training and technical assistance for schools participating in the Alternative Schools Accountability Model.	INFORMATION
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Mary Weaver, Education Support Systems Division, introduced El Dorado County Superintendent Vicki Barber and Sunset-Reef Superintendent Lynn Wilen, co-chairs of the Alternative Schools Accountability Model Subcommittee.

Ms. Barber stated that STAR is the basis for the accountability model and the schools would utilize three other indicators appropriate for their school’s program. She noted that pre/post assessment would measure the value added by a school. She then presented suggested required characteristics for pre/post tests and stated that the Subcommittee wants to implement the Alternative Schools Accountability Model in 2001-02. Ms. Wilen stated that training to inform the field about the Alternative Schools Accountability Model has commenced and will continue through June 25, 2001.

Ms. Barber expressed appreciation for Ms. Belisle’s work in helping to develop the alternative accountability model. Ms. Belisle noted that because there was no state approval process in place, pre/post tests would not be part of the initial accountability program. Ms. Barber stated that it was her understanding that the plan was to let schools use pre/post tests as one of their chosen indicators. Ms. Wilen added that the actual selection of tests will take place in September. Ms. Belisle stated that she understands the Department does not have the necessary staff to put an approval process in place at this time. Ms. Barber stated that she had hoped these

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required test characteristics and the school's assurance that the pre/post tests meet the requirements would be sufficient to allow schools to use pre/post tests now.

Mr. Mockler said the key element is whether the pre/post tests are valid and reliable. We want schools to have statistically appropriate tests. Ms. Barber and Ms. Wilen asked for clarification on whether schools that want to use pre/post tests as one of their indicators would use just two other indicators until the pre/post test indicators are available. Ms. Belisle confirmed that they were correct that the system would be phased in with these pre/post test type indicators added once an approval process is in place.

ITEM 27	Request by the Kingsburg Elementary Community Charter District to Renew its Charter as an All-Charter District.	INFORMATION ACTION
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Jan Sterling, School Fiscal Services Division, stated that the Department recommends renewal of the district's charter.

President Hastings thanked staff for preparing the reports on this request and drew the Board's attention to the district's outstanding API scores.

- ACTION: Mrs. Ichinaga moved that the State Board join the State Superintendent of Public Instruction in (1) accepting the proposed amendments to the charter of the Kingsburg Elementary Community Charter District and (2) renewing the charter for a term of five years, pursuant to Education Code Section 47606. Ms. Boris seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 19	Standardized Testing and Reporting (STAR) Program: Including, but not Limited to, California Mathematics Standards Tests for Grades 2-7.	INFORMATION ACTION
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Phil Spears, Standards and Assessment Division, stated that this item pertains to the math standards stand-alone tests in second through seventh grades. He noted that currently the eighth through eleventh grade math tests are stand-alone tests. The issues to consider are the additional testing time, the need for 15 additional questions, and the 2003 designation of the norm-referenced test.

Mr. Mockler added that the Governor's testing bill calls for a shorter nationally normed test and for a stand-alone standards test in 2003. It would be appropriate to move to the stand-alone test in 2003 to coincide with the test designation. The field has expressed concern about the amount of testing time. The Board also wants to be cognizant of the field's concerns about changes in the testing system. Mrs. Joseph commented that waiting until 2003 is a good idea.

There was general consensus to wait until 2003 to have stand-alone tests in grades two through seven.

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ITEM 20	Standardized Testing and Reporting (STAR) Program: Including, but not Limited to, an Update on 2001 Program.	INFORMATION ACTION
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Mr. Spears provided an update on the SABE 2 scores and noted there was a delay in the STAR Braille tests. He reported that the Department is having difficulty finding volunteers for the spring field testing, and the Department will be looking at imbedding the field test items in the next contract.

Mr. Spears reported that some test booklets were miscolated, but that the publisher had arranged for next-day delivery of replacement test booklets. President Hastings expressed concern that this type of error occurred.

Mr. Spears noted that the Board was being asked to approve the contract amendments related to the Governor's Scholarship Program. [Attachment 14] Mr. Mockler reported that 106,000 high school students received scholarships based on their STAR test scores under the Governor's Scholarship Program. He added that there were a few problems that will need to be addressed. There were no provisions for students who had already taken subject tests while in lower grade levels or for students in semester block courses.

Ms. Boris reported that in her district almost 1,000 students got scholarships and the scholarships were really motivating students to take the test seriously. Mrs. Joseph asked how we could address the problems in the scholarship program. Ms. Belisle responded that there are conversations taking place between Board staff, the Secretary's Office, and the staff of the Scholarship Investment Board. She added that the Department staff would be included in the efforts to address the problems.

- ACTION: Mrs. Joseph moved that the State Board approve an amendment to the contract with Harcourt Educational Measurement in the amount of \$14,027 pertaining to the Governor's Scholarship Program. Ms. Boris seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 21	California High School Exit Examination (CAHSEE): Including, but not Limited to, Update on CAHSEE Standards-Setting Activities.	INFORMATION ACTION
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Mr. Spears reported that the High School Exit Exam standards-setting panel was scheduled to meet May 18 through 20. He noted that the test contractor has asked for a statement by the Board on expectations for student achievement. He then drew the Board's attention to the proposed statement of purpose in the agenda materials.

Ms. Tacheny noted that, based on her experience on the STAR English-language arts performance level setting panel, a policy statement from the Board is helpful. Mr. Mockler replied that the statement before the Board is the direction that will be given to the High School Exit Exam panel. Ms. Tacheny asked that the panel be walked through the entire the decision-making so the panel members understand their role in the process.

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- **ACTION:** Mrs. Ichinaga moved that the State Board approve the Statement of Purpose for the High School Exit Examination as set forth in the agenda item. [There was a general understanding that, in addition to receiving this Statement of Purpose, the panel providing advice on the passing scores will be informed on the full process for the setting of those scores.] Ms. Boris seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 22	California High School Exit Examination (CAHSEE): Including, but not Limited to, Update on CAHSEE Activities.	INFORMATION ACTION
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Mr. Spears noted that this item was an update on the High School Exit Exam. He drew the Board's attention to the testing dates for the 2001-02 to 2004-05 test administrations. The English-language arts test will be given over a two-day period to address concerns about the length of time that students needed to complete that portion of the test.

Dr. Daniel Wolter, former English teacher, expressed concern about contract continuity.

President Hastings noted that he had several suggestions for improving the parent report. One suggestion is that there be some explanation that once students pass a part of the test they do not need to take it again. Perhaps there could be a column for students taking just one part of the test that indicates they have already passed the other part. He added that the score bands are confusing and that he sees no reason for them to be on the report. Ms. Tacheny agreed that score bands are confusing and do not add information. Ms. Tacheny expressed concern that the score bands, in addition to being confusing, seem to unduly undercut the confidence of the score. She agreed with President Hastings that the confidence bands should not be included on the parent report. Mr. Spears stated that he had heard their suggestions.

Mr. Spears reported that the Request for Proposals for the High School Exit Exam contract went out on March 20th and the deadline for their receipt was May 1st. There were four submissions, and only one company's proposal met all the requirements, Educational Testing Service. Their bid was approximately \$35 million. He stated that the Notice of Proposed Award would be posted for five days, during which a protest could be lodged.

ITEM 29	Adoption of California Safe Schools Assessment Program Regulations.	PUBLIC HEARING ACTION
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President Hastings noted that Superintendent Eastin had requested that Item 29 be heard at this time.

Bill White, Safe Schools and Violence Prevention Office, stated that the proposed regulations were written to include requirements under AB 1785. He noted that there were some changes requested by Board Member Jenkins that would be incorporated into the proposed regulations. [Attachment 15]

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President Hastings opened the Public Hearing at 11:50 a.m. One individual, Justin Masters, addressed the Board. President Hastings closed the Public Hearing at 11:55 a.m.

- **ACTION:** Mrs. Ichinaga moved that the State Board direct that the proposed regulations be (1) be amended in accordance with the suggestions of staff pertaining to the inclusion of references to electronic communications, (2) circulated for the 15-day notice period required by the Administrative Procedure Act, and (3) returned to the State Board for additional consideration and possible approval at the June 2001 meeting. Ms. Boris seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 26	Request by the Kings River-Hardwick Union Elementary School District to Become an All-Charter District.	ACTION
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Ms. Sterling stated that the petition meets all the requirements of law. The Department recommends approval of the all-charter district.

President Hastings noted the district's excellent API scores and suggested granting the charter for three years to be consistent with the initial period granted for state-approved charters. Superintendent Eastin agreed to a three-year approval period.

Jamie Perkins, Superintendent Kings River-Hardwick Union Elementary School District, spoke in support of the district's request.

- **ACTION:** Mr. Fisher moved that the State Board join the State Superintendent of Public Instruction in approving the request by the Kings River-Hardwick Union Elementary School District to become an all-charter district for a period of three years beginning July 1, 2001, pursuant to Education Code Section 47606. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 23	California English Language Development Test (CELDT): Including, but not Limited to, Notice of Proposed Rulemaking for Title 5 Regulations.	INFORMATION ACTION
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Mr. Spears noted that the Department is asking the Board to approve the notice of proposed rulemaking and send the regulations out for a 45-day public comment period. The Legal Office and assessment staff have worked closely with Board staff to revise these proposed regulations.

- **ACTION:** Mrs. Ichinaga moved that the State Board direct staff to circulate the proposed regulations relating to the California English Language Development Test as presented, in accordance with the provisions of the Administrative Procedure Act. [A public hearing on the proposed regulations will be held at the July 2001 meeting.] Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

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ITEM 24	California English Language Development Test (CELDT): Including, but not limited to, Proficiency Level Setting and an Informational Program Update.	INFORMATION ACTION
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Mr. Spears noted that the Board was being asked to approve three things: (1) the proposed proficiency levels; (2) the proposed guidelines for initial identification; and 3) proposed reclassification guidelines. The proposed proficiency levels are preliminary, pending a validity study on the census administration. [Attachment 16] The proficiency levels are preliminary because the panel used information from the field test in making its recommendation. The purpose of the field test was to tryout items.

Ms. Tacheny asked about the rationale for the weighting decisions and the comparability of these proficiency levels to the English-language arts performance standards. Mr. Spears replied that equal weight was given to each of the four areas tested on the California English Language Development Test (CELDT): listening, speaking, reading, and writing. The standards being tested in kindergarten through second grade are the same on the CELDT and STAR standards tests. A small number of English speakers were included in the field test, but we did not have their SAT-9 scores available for comparison. Ms. Tacheny asked if there was a policy to reclassify English learner students who are getting high SAT-9 scores in English-language arts. Mr. Spears replied that there is no policy, but comparability is certainly something we ought to study.

Mr. Mockler added that because of legislative requirements, we do not have the luxury of a couple of years to set the proficiency levels as we had with the performance levels for the STAR standards tests. That is why the proficiency levels are preliminary. The law requires that this test be used primarily for identification. Given the time we have had to develop the test, this is the best that could be done. President Hastings asked whether setting three levels would help to manage the reliability issue. Mrs. Joseph noted that the Board suggested five levels because traditionally five levels have been used on other assessments of English proficiency. Mr. Warren stated that the assessment instrument is a good test and is highly reliable. The Department is comfortable with the five proficiency levels. Mr. Spears explained the recommended guidance for initial identification.

President Hastings called for public comment. Six individuals addressed the Board:

Vicki Bartlet, Ontario Montclair School District

Jeannie Herrick, California Latino Superintendent Association

Fernando Elizondo, Association of California School Administrators

Rose Ballesterio

Andrea Ball, Long Beach Unified School District

Lucy Okumu, California School Boards Association

Mr. Mockler outlined the Board's options: (1) adopt or not adopt the five proficiency levels as recommended by the Department; (2) approve or not approve the guidelines for identification

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according to Department recommendation; and (3) provide guidance to the field on use of the test scores.

Mrs. Joseph stated that she is generally comfortable that, for purposes of initial identification, students scoring in the two lower levels are English learners and students scoring in the two higher levels are English fluent. For students scoring at the intermediate level, other information needs to be considered when making an initial identification. Mr. Spears expressed concern that this suggestion might result in the misclassification of some students. Ms. Tacheny stated that the purpose of the assessment is to provide information for making decisions about whether to provide services. She stated that she supported Mrs. Joseph's suggestion that there be some human judgment in this decision. Mr. Hill noted that conversations with Board staff helped shape this recommendation. The Department attempted to capture the points under discussion.

Mr. Mockler suggested making a stronger statement about the upper and lower proficiency levels and leaving more flexibility around the middle level. Since these proficiency levels are preliminary, we should err on the side of caution. Mr. Spears stated that he would not be comfortable moving away from the CDE recommendation. Mr. Mockler stated that the issue here is where the presumption is. The Board members seem to be concerned about the presumption that students in the middle (intermediate) level are English learners. Mrs. Joseph stated that, given the preliminary nature of the levels and concerns about the data, we need to say something more about the intermediate level. Mr. Warren said that we could caution districts that around the cut point between intermediate and early advanced, special care should be taken in identifying those students.

Ed DeAvila stated that the problem is the degree of certainty that a student falls above or below a line. One way to deal with this problem is to use a bandwidth of scores augmented by other data.

Mr. Mockler stated that we need to take special care as students score near the higher end of the intermediate level.

- **ACTION:** Mrs. Joseph moved that the State Board approve preliminary proficiency levels for the California English Language Development Test, in accordance with the recommendation of CDE staff, with the understanding that an additional caveat would accompany these preliminary proficiency levels regarding their use as a primary indicator in the identification of English learners. The additional caveat would indicate that special emphasis should be placed on factors other than these test results for students whose scores place them at the upper end of the Intermediate performance level. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Spears expressed appreciation to everyone from the field, Department staff, and the Board who helped make the decision. It is a positive direction for English learners in California.

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ITEM 25	Request by the Global Academy of Arts and Sciences Charter School Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	PUBLIC HEARING ACTION
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Collin Miller, School Fiscal Services Division, stated that the Department is recommending denial of the petition.

President Hastings opened the Public Hearing at 1:01 p.m. Patrick Lansing, the Chief Petitioner, spoke in support of the request to become a state-approved charter school. There were no other speakers. President Hastings closed the Public Hearing at 1:09 p.m.

- ACTION: Mrs. Joseph moved that the State Board deny the petition to establish the Global Academy of Arts and Sciences Charter as a charter school under the oversight of the State Board of Education, in accordance with the recommendation of (and in keeping with the findings made by) CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 28	Follow-up to AB 615: Pilot Project for Categorical Education Program Flexibility.	ACTION
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Mr. Warren reported that only five districts had applied for this pilot program. When districts were asked why they did not apply, some they said that they had not had enough time to apply and some felt there was not enough flexibility in the program. The Department will put out another application in the fall. Mr. Warren requested that the Board approve the five applications that were received.

- ACTION: Mrs. Ichinaga moved that the State Board (1) approve the applications received from five districts to participate in the AB 615 Pilot Project and (2) concur with the proposals to have a second round of applications during 2001-02 and to modify reporting on the pilot program accordingly, in accordance with the recommendation of CDE staff. Ms. Boris seconded the motion. The motion was approved by unanimous vote of the members present.

Adjournment: President Hastings adjourned the meeting at 1:12 p.m.

16 Attachments